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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,755	05/26/2004	Timothy T. Achee JR.	68.0475	3754

35204 7590 08/09/2005

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EXAMINER

COLLINS, GIOVANNA M

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/709,755	ACHEE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Giovanna M. Collins	3672	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2004526</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel 6,227,298.

Referring to claims 1, 9, 20 and 21, Patel discloses (see fig. 1a) an apparatus and system method for use in a well having at least three zones comprising a production tubing (8), sand control assemblies (156,154) positioned proximal to respective zone and flow conduits ( at 178 and 180) wherein flow conduits includes an annular path to communicate with each zone, a first tube (at 388) and flow control devices (116,114) that are remotely controlled. Patel does not specifically disclose three sand control assemblies, flow conduits and flow control devices but Patel does disclose the system can be used on more than two zones (col. 2, lines 25-28) and the fluid paths are provided for each zone (col. 3, lines 3-5). As it would be advantageous to have at least sand control assemblies, flow conduits and flow control devices when using the apparatus in a system at least three zones of interest, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus disclose by Patel to have at least three sand control assemblies, flow conduits and flow control devices.

Referring to claim 2, Patel (see fig. 2a) discloses a first tubing (378) have an inner bore (at 228) and a first one of the flow conduits including the inner bore.

Referring to claims 3, 10, 12, Patel discloses a second tube (388) having a larger diameter than the first tube (378) and a first annular path defined between the first and second tube a second one of the flow conduits including the second annular path.

Referring to claims 4 and 11, Patel does not specifically disclose a third tube but does disclose Patel does disclose the system can be used on more than two zones (col. 2, lines 25-28) and the fluid paths are provided for each zone to separate the zones (col. 3, lines 3-5). As it would be advantageous to have third tube when the well has at least three zones, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus disclose by Patel to have a third tube.

Referring to claims 5 and 14, Patel discloses (see Fig. 2g) the first control device is a ball valve (116).

Referring to claim 6 and 15, Patel discloses the second flow control device is a sleeve valve (element 114, col. 2, line 28).

Referring to claim 7 and 16, Patel discloses additional valves can be sleeve valves (col. 2, lines 19-28).

Referring to claim 8, Patel discloses sand screens (at 155, 156).

Referring to claim 13, Patel discloses portions of the tubes have common axis. (at 228).

Referring to claim 17, Patel disclose (see fig. 1) a well annular region (at 114).

Referring to claims 18,19 and 22, Patel discloses the flow control devices (114,116) are remotely actuated by hydraulic pressure (col. 4,lines 18-21).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jones et al 2003/0226665 discloses flow control assembly for use in a well having at least three zones.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna M. Collins whose telephone number is 571-272-7027. The examiner can normally be reached on 6:30-3 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gmc

  
David Bagnell  
Supervisory Patent Examiner  
Technology Center 3670